



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,831	12/23/2001	Eckart Hettlage	10191/1896	8160

26646 7590 03/20/2003

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

[REDACTED] EXAMINER

LE, DANG D

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/890,831	HETTLAGE, ECKART	
	Examiner	Art Unit	
	Dang D Le	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-24 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 13-24 is/are rejected.
 7) Claim(s) ____ is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 23 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 0801.
 4) Interview Summary (PTO-413) Paper No(s). ____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isozaki et al. in view of Kordik.

Regarding claim 13, Isozaki et al. show a rotary actuator, comprising:

- A permanently magnetized rotor (301);
- A plurality of stator windings (104a-104c) surrounding the permanently magnetized rotor for generating a magnetic field, the stator windings placing the permanently magnetized rotor in one of a first plurality of positions;
- An arrangement for exerting a corrective torque on the permanently magnetized rotor, the arrangement for exerting the corrective torque, in a current less state of the stator windings, placing the permanently magnetized rotor in a target position of a second plurality of positions, each position of the first plurality of positions having assigned thereto a corresponding one of the second plurality of positions as the target position; and

- A network (Figure 5) having n inputs and m outputs, n being a number of the first plurality of positions and m being a number of the stator windings, wherein:
- Each one of the stator windings (104a-104c) is connected to one of the m outputs, and
- The network distributes to the stator windings a current applied at one of the n inputs in order to set one of the first plurality of positions that is assigned to a respective one of the n inputs.

Isozaki et al. do not show the stator windings surrounding the rotor in a rim-like fashion.

Kordik shows the stator windings surrounding the rotor in a rim-like fashion for the purpose of improving the performance of the motor.

Since Isozaki et al. and Kordik are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to have the stator windings surround the rotor in a rim-like fashion as taught by Kordik for the purpose discussed above.

Regarding claims 14-23, it is noted that Isozaki et al. and Kordik also show all of the limitations of the claimed invention.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isozaki et al. in view of Kordik and further in view of Ogawa et al.

Regarding claim 24, the motor of Isozaki et al. modified by Kordik includes all of the limitations of the claimed invention except for the wave-guide switch.

Ogawa et al. use the motor as the wave guide switch for the purpose of controlling the satellite.

Since Isozaki et al., Kordik, and Ogawa et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the motor as a wave guide switch as taught by Ogawa et al. for the purpose discussed above.

Information on How to Contact USPTO

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

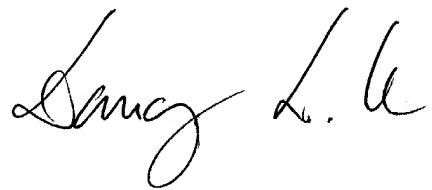
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Application/Control Number: 09/890,831
Art Unit: 2834

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

March 18, 2003

A handwritten signature in black ink, appearing to read "Nancy L. Lee".